



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/528,755

10/19/2005

Hugh Owen Lovesy

37388-404900

4753

27717 7590 03/25/2011
SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

EXAMINER

KANERVO, VIRPI H

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

03/25/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,755	Applicant(s) LOVESY ET AL.	
	Examiner VIRPI H. KANERVO	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 25-39 are presented for examination. Applicant filed an amendment on 01/19/2011 arguing against the grounds of the § 103 rejection of claims 25-39. Examiner has carefully considered Applicant's arguments, but finds them not persuasive. Therefore, Examiner has maintained the previous grounds of the § 103 rejection for claims 25-39. Since Examiner has maintained the previous grounds of the § 103 rejection, the rejection of claims 25-39 is a FINAL rejection of claims.

Response to Arguments

2. Applicant argues that Pollalis fails to show "a period to date actual bar graph having a length indicating time to which said project actual amount is planned relative to said period graphic." Examiner respectfully disagrees. Pollalis specifically discloses "DURATION (DAYS)" that has the length of 10+ days (Pollalis: Fig. 4, at the bottom), which represents "said period graphic"; and "QUANTIFIED BARS" including "CONCRETE" and "M&E WORK" that have a length of 1+ days and 1 day respectively (Pollalis: Fig. 4, labels 72 and 74), which represents "a period to date actual bar graph having a length indicating

time to which said project actual amount is planned.” “QUANTIFIED BARS” including “CONCRETE” and “M&E WORK” here are relative to “DURATION (DAYS).” Thus, Pollalis discloses “a period to date actual bar graph having a length indicating time to which said project actual amount is planned relative to said period graphic.”

3. Applicant argues that Pollalis fails to show “a period to date planned line alignable with a selected time on said report period graphic.” Examiner respectfully disagrees. Pollalis specifically discloses that “if too short, the planner can extend the time” (Pollalis: col. 7, lines 59-60), and that “in general, quantified bars may be modified in a variety of ways including ... expansion or contraction along the time axis (Pollalis: col. 8, lines 3-6). Also, Pollalis shows “INITIAL TIME” line (Pollalis: Fig. 7), which represents “a period to date planned line”; and “EXTENSION” lines (Pollalis: Fig. 7), which represent “a selected time on said report period graphic.” “INITIAL TIME” line here is alignable with “EXTENSION” lines. Therefore, Pollalis discloses “a period to date planned line alignable with a selected time on said report period graphic.”
4. Applicant argues that Pollalis fails to show “variance indicator bar graph scalable relative to variance between said project actual amount and said project planned amount.” Examiner respectfully disagrees. Pollalis specifically discloses that

“referring to Fig. 23, for example, the actual experience with respect to the template of Fig. 4 has been superimposed on the original template” (Pollalis: col. 9, lines 29-33; and Fig. 23; where “the actual experience with respect to the template” shows “said project actual amount”; and “the original template” shows “said project planned amount”). Thus, Pollalis discloses “variance indicator bar graph scalable relative to variance between said project actual amount and said project planned amount.”

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in § 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25-33, 36, and 39, are rejected under 35 U.S.C. § 103(a) as being unpatentable over by Pollalis (5,016,170) in view of Gatto (7,167,838 B1).

As to claims 25 and 39, Pollalis shows storage means storing data (Pollalis: col. 4, lines 43-48) including a full period planned amount (Pollalis: col. 4, lines 55-57), a project planned amount for each of at least one project (Pollalis: col. 6, lines 51-54), and a project actual amount for each of said at least one project at selectable times (Pollalis: Fig. 4 – labels 72 and 74); presentation means

presenting a graphical representation of said data (Pollalis: Fig. 4), said graphical representation of data including: a graphic representing a timeline (Pollalis: Fig. 4 – “Duration (Days)”); a period to date planned line alignable with a selected time on said graphic (Pollalis: col. 7, lines 59-68, Fig. 11); a project planned line for each of said at least one project juxtaposed with said graphic, said project planned line including a period to date actual bar graph having a length indicating a time to which said project actual amount is planned relative to said graphic (Pollalis: Fig. 4 – labels 72-76).

Pollalis does not show that the timeline is report period timeline and that the graphic is report period graphic. Gatto shows that timeline is report period timeline and that the graphic is report period graphic (Gatto: col. 11, lines 29-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and the system of Pollalis by the timeline being report period timeline and the graphic being report period graphic of Gatto in order to enable the user to visually analyze data for an event along with different estimate for an event (Gatto: col. 11, lines 37-39).

As to claim 26, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows said bar graph length indicating a time to which said project actual amount is planned relative to said report period graphic is equal to said project actual amount divided by said project planned amount for a

Art Unit: 3691

corresponding project multiplied by a length of said report period graphic (Pollalis: Fig. 4 – labels 72-76).

As to claim 27, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows that said period to date planned line intersects said project planned line(s) (Pollalis: col. 4, lines 55-57; col. 5, lines 32-36; and Fig. 4 – labels 72-76).

As to claim 28, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows a total period to date bar graph juxtaposed with said report period graphic, said total period to date bar graph having a length indicating a time to which said a total period to date amount is planned relative to said report period graphic, said total period to date amount being a sum of said project actual amounts (Pollalis: col. 4, lines 55-57; col. 5, lines 32-36; and Fig. 4 – labels 72-76).

As to claim 29, Pollalis in view of Gatto shows all the elements of claim 28. Pollalis also shows said total period to date bar graph length indicating a time to which said total period to date amount is planned relative to said report period graphic is equal to said total period to date amount divided by said full period planned amount multiplied by a length of said report period graphic (Pollalis: col. 4, lines 55-57; col. 5, lines 32-36; and Fig. 4 – labels 72-76).

As to claim 30, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows that said project planned line(s) include a full period bar graph having a height in proportion to an amount allocated to a corresponding project (Pollalis: col. 3, lines 35-38; and Fig. 4); and said system further comprising manipulation means allowing a user to change said amount by changing said height (Pollalis: col. 7, lines 59-68; and col. 8, lines 1-10).

As to claim 31, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows an icon associated with said planned line, said icon indicating a project to which said plan is applied (Pollalis: Fig. 5, labels 82-94).

As to claim 32, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows that said report period graphic includes a post report period graphic indicating a time beyond said report period (Pollalis: Fig. 4 – “Duration (Days)”; Fig. 23 – “Duration (Days)”).

As to claim 33, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows that said project planned line further comprises a variance indicator bar graph scaled relative to variance between said project actual amount and said a project planned amount at a selected time in said period (Pollalis: col. 9, lines 29-33; and Fig. 23).

As to claim 36, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows computer means for transferring at least one of said project planned lines from an existing report to a new report (Pollalis: col. 9, lines 29-33; and Fig. 11).

7. Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollalis in view of Gatto, and further in view of Johnston (6,404,444 B1).

As to claim 34, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis in view of Gatto does not show that said graphical representation of data further includes a liquid tank graphic having a liquid level representing an unspent grant amount and target line indicating a grant amount spent to date. Johnston shows that said graphical representation of data further includes a liquid tank graphic having a liquid level representing an unspent grant amount and target line indicating a grant amount spent to date (Johnston: col. 6, lines 43-57; and Fig. 5A-B). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Pollalis in view of Gatto by said graphical representation of data further including a liquid tank graphic having a liquid level representing an unspent grant amount and target line indicating a grant amount spent to date of Johnston in order to provide a

Art Unit: 3691

mechanism to display the total sum of resources in the system (Johnston: col. 4, lines 27-29).

8. Claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollalis in view of Gatto, and further in view of Powell (5,291,397).

As to claim 35, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis in view of Gatto does not show means for creating a budget plan including said flail period planned amount, said project planned amount for each of at least one project, and said project actual amount for each of said at least one project at selectable times in a report period. Powell shows means for creating a budget plan including said flail period planned amount, said project planned amount for each of at least one project, and said project actual amount for each of said at least one project at selectable times in a report period (Powell: col. 9, lines 55-60; and col. 10, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Pollalis in view of Gatto by means for creating a budget plan including said flail period planned amount, said project planned amount for each of at least one project, and said project actual amount for each of said at least one project at selectable times in a report period of Powell in order to provide a control system for producing a product (Powell: col. 1, lines 63-64).

Art Unit: 3691

9. Claim 37 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollalis in view of Gatto, and further in view of Trcka (6,453,345 B2).

As to claim 37, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis in view of Gatto does not show that said graphical representation further comprises a graphical alert displayed when a combined project planned amounts exceed a grant amount. Trcka shows that said graphical representation further comprises a graphical alert displayed when a combined project planned amounts exceed a grant amount (Trcka: col. 17, lines 29-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Pollalis in view of Gatto by said graphical representation further comprising a graphical alert displayed when a combined project planned amounts exceed a grant amount of Trcka in order to detect against data-compromising events (Trcka: col. 1, lines 13-15).

10. Claim 38 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollalis in view of Gatto, and further in view of Chrisman (2003/0069782 A1).

As to claim 38, Pollalis in view of Gatto shows all the elements of claim 25. Pollalis also shows automatically changing said project planned line in response to changing of data (Pollalis: col. 10, lines 4-10). Pollalis in view of Gatto does not show moving a graphic representing an invoice. Chrisman shows moving a

Art Unit: 3691

graphic representing an invoice (Chrisman: page 9, ¶ 123; where “moving a graphic representing an invoice” is changing of data). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Pollalis in view of Gatto by moving a graphic representing an invoice of Chrisman in order to estimate, schedule and track labor required for the task (Chrisman: page 1, ¶ 11).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRPI H. KANERVO whose telephone number is

Art Unit: 3691

571-272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virpi H. Kanervo

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691